

## **2009 DRAFTING REQUEST**

### **Bill**

Received: **01/13/2009**

Received By: **gmalaise**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-2213**

By/Representing: **Silver**

This file may be shown to any legislator: **NO**

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Children - juvenile justice**

Extra Copies:

Submit via email: **NO**

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### **Pre Topic:**

DOA:.....Silver, BB0405 -

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### **Topic:**

Juvenile correctional services deficit reduction

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### **Instructions:**

See attached

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### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 01/13/2009	jdyer 01/14/2009		_____ _____			
/1			phenry 01/14/2009	_____ _____	mbarman 01/14/2009		
/2	gmalaise 01/30/2009	wjackson 01/30/2009	rschluet 01/31/2009	_____ _____	cduerst 01/31/2009		

FE Sent For:

<END>

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/?	gmalaise 01/13/2009	jdye 01/14/2009		_____			
/1		1/2 WJ 1/30	phenry 01/14/2009	_____	mbarman 01/14/2009		
			md	md			

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gmalaise

1/14 jld

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<END>

FE Sent For:

## 2009-11 Budget Bill Statutory Language Drafting Request

- Topic: Transfer cash balances to eliminate Juvenile Correctional Services Deficit
- Tracking Code: BB0405
- SBO team: Agriculture, Environment and Justice
- SBO analyst: Karina Silver
  - Phone: 266-2213
  - Email: [Karina.Silver@wi.gov](mailto:Karina.Silver@wi.gov)
- Agency acronym: DOC
- Agency number: 410
- Priority (Low, Medium, High): High

Intent: Non-statutory language to transfer account balances from the Juvenile Residential Aftercare appropriation (s. 20.410(3)(ho) and the Corrective Sanctions Program appropriation s. 20.410(3)(hr) to the Department's Juvenile Correctional Services appropriation s. 20.410(3)(hm) to reduce the projected deficit in s. 20.410(3)(hm).

Please see 2007 WI Act 20, section 9209.

b0237



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1494/7

GMM # 1

IN 1113

jl

DOA:.....Silver, BB0405 - Juvenile correctional services deficit reduction

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

LPS-check  
auto refs

do not gen

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**CORRECTIONAL SYSTEM**

**JUVENILE CORRECTIONAL SYSTEM**

Under current law, sum certain amounts are appropriated to DOC for juvenile correctional services, juvenile residential aftercare services, and juvenile corrective sanctions services. This bill provides that, if there is a deficit in the juvenile correctional services appropriation account at the close of fiscal year 2008-09, any unencumbered balances in the juvenile residential aftercare services and juvenile corrective sanctions services appropriation accounts at the close of that fiscal year, up to the amount of the deficit, are transferred to the juvenile correctional services appropriation account.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 20.410 (3) (hm) of the statutes is amended to read:

20.410 (3) (hm) *Juvenile correctional services*. Except as provided in pars. (ho)

and (hr), the amounts in the schedule for juvenile correctional services specified in

s. 301.26 (4) (c) and (d). All moneys received from the sale of surplus property, including vehicles, from juvenile correctional institutions operated by the department, all moneys received as payments in restitution of property damaged at juvenile correctional institutions operated by the department, all moneys received from miscellaneous services provided at a juvenile correctional institution operated by the department, all moneys transferred from the appropriation ~~account~~ accounts under pars. (ho) and (hr) as provided in ~~2007 Wisconsin Act 20, section 9209 (1f)~~ 2009 Wisconsin Act ... (this act), <sup>✓</sup> section 9211 <sup>✓</sup> (f), <sup>✓</sup> all moneys transferred under s. 301.26 (4) (cm), and, except as provided in par. (hr), all moneys received in payment for juvenile correctional services specified in s. 301.26 (4) (d), (dt), and (g) shall be credited to this appropriation account. If moneys generated by the daily rate under s. 301.26 (4) (d) exceed actual fiscal year institutional costs by 2% or more, all moneys in excess of that 2% shall be remitted to the counties during the subsequent calendar year or transferred to the appropriation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement at juvenile correctional institutions including the Mendota Juvenile Treatment Center. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).

History: 1989 a. 31 ss. 340, 361 to 380, 382 to 392; 1989 a. 107, 122, 359; 1991 a. 39; 1993 a. 16, 98, 377, 437, 490; 1995 a. 27, 77, 416, 440; 1997 a. 4, 27, 35, 237, 252, 275, 283, 284; 1999 a. 9, 89; 2001 a. 10; 2003 a. 33; 2005 a. 25 ss. 287 to 295m, 414t, 415wr; 2005 a. 234 s. 4; 2005 a. 344, 433; 2007 a. 20, 97.

**SECTION 2. 20.410 (3) (hm) of the statutes, as affected by 2009 Wisconsin Act**

**.... (this act), is amended to read:**

**20.410 (3) (hm) *Juvenile correctional services.* Except as provided in pars. (ho) and (hr), the amounts in the schedule for juvenile correctional services specified in**

1 s. 301.26 (4) (c) and (d). All moneys received from the sale of surplus property,  
2 including vehicles, from juvenile correctional institutions operated by the  
3 department, all moneys received as payments in restitution of property damaged at  
4 juvenile correctional institutions operated by the department, all moneys received  
5 from miscellaneous services provided at a juvenile correctional institution operated  
6 by the department, all moneys transferred from the appropriation accounts under  
7 ~~pars. (ho) and (hr)~~ as provided in 2009 Wisconsin Act .... (this act), section 9211 ~~(\*)~~,  
8 all moneys transferred under s. 301.26 (4) (cm), and, except as provided in par. (hr),  
9 all moneys received in payment for juvenile correctional services specified in s.  
10 301.26 (4) (d), (dt), and (g) shall be credited to this appropriation account. If moneys  
11 generated by the daily rate under s. 301.26 (4) (d) exceed actual fiscal year  
12 institutional costs by 2% or more, all moneys in excess of that 2% shall be remitted  
13 to the counties during the subsequent calendar year or transferred to the  
14 appropriation account under par. (kx) during the subsequent fiscal year. Each  
15 county and the department shall receive a proportionate share of the remittance and  
16 transfer depending on the total number of days of placement at juvenile correctional  
17 institutions including the Mendota Juvenile Treatment Center. Counties shall use  
18 the funds for purposes specified in s. 301.26. The department shall deposit in the  
19 general fund the amounts transferred under this paragraph to the appropriation  
20 account under par. (kx).

21 **SECTION 3.** 20.410 (3) (ho) <sup>✓</sup> of the statutes is amended to read:

22 20.410 (3) (ho) *Juvenile residential aftercare*. The amounts in the schedule for  
23 providing foster care, treatment foster care, group home care, and institutional child  
24 care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52.  
25 All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment

auto  
ref  
A

1 for providing foster care, treatment foster care, group home care, and institutional  
2 child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and  
3 938.52 as specified in s. 301.26 (4) (e) and (ed) shall be credited to this appropriation  
4 account. If moneys generated by the daily rate exceed actual fiscal year foster care,  
5 treatment foster care, group home care, and institutional child care costs, that excess  
6 shall be transferred to the appropriation account under par. (hm) as provided in 2009  
7 Wisconsin Act ... (this act), section 9211 (f), except that if those moneys generated  
8 exceed those costs by 2% or more, all moneys in excess of 2% shall be remitted to the  
9 counties during the subsequent calendar year or transferred to the appropriation  
10 account under par. (kx) during the subsequent fiscal year. Each county and the  
11 department shall receive a proportionate share of the remittance and transfer  
12 depending on the total number of days of placement in foster care, treatment foster  
13 care, group home care or institutional child care. Counties shall use the funds for  
14 purposes specified in s. 301.26. The department shall deposit in the general fund the  
15 amounts transferred under this paragraph to the appropriation account under par.  
16 (kx).

History: 1989 a. 31 ss. 340, 361 to 380, 382 to 392; 1989 a. 107, 122, 349; 1991 a. 39; 1993 a. 16, 98, 377, 437, 490; 1995 a. 27, 77, 416, 440; 1997 a. 4, 27, 35, 237, 252, 275, 283, 284; 1999 a. 9, 89; 2001 a. 16, 2003 a. 33; 2005 a. 25 ss. 287 to 295m, 414t, 415wr; 2005 a. 234 s. 4; 2005 a. 344, 433; 2007 a. 20, 97.

17 **SECTION 4.** 20.410 (3) (ho) of the statutes, as affected by 2009 Wisconsin Act

18 .... (this act), is amended to read:

19 20.410 (3) (ho) *Juvenile residential aftercare*. The amounts in the schedule for  
20 providing foster care, treatment foster care, group home care, and institutional child  
21 care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52.  
22 All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment  
23 for providing foster care, treatment foster care, group home care, and institutional  
24 child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and



938.52 as specified in s. 301.26 (4) (e) and (ed) shall be credited to this appropriation account. If moneys generated by the daily rate exceed actual fiscal year foster care, treatment foster care, group home care, and institutional child care costs, ~~that excess~~ shall be transferred to the appropriation account under par. (hm) as provided in 2009 Wisconsin Act .... (this act), section 9211 (1), ~~except that, if those moneys generated exceed these costs~~ by 2% or more, all moneys in excess of 2% shall be remitted to the counties during the subsequent calendar year or transferred to the appropriation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement in foster care, treatment foster care, group home care or institutional child care. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).

SECTION 5. 20.410 (3) (hr) of the statutes is amended to read:

20.410 (3) (hr) *Juvenile corrective sanctions program*. The amounts in the schedule for the corrective sanctions services specified in s. 301.26 (4) (eg). All moneys received in payment for the corrective sanctions services specified in s. 301.26 (4) (eg) shall be credited to this appropriation account. If moneys generated by the daily rate exceed actual fiscal year corrective sanctions services costs, that excess shall be transferred to the appropriation account under par. (hm) as provided in 2009 Wisconsin Act .... (this act), section 9211 (1).

History: 1989 a. 31 ss. 340, 361 to 380, 382 to 392; 1989 a. 107, 122, 359; 1991 a. 39; 1993 a. 16, 98, 377, 437, 490; 1995 a. 27, 77, 416, 440; 1997 a. 4, 27, 35, 237, 252, 275, 283, 284; 1999 a. 9, 89; 2001 a. 16, 2003 a. 33; 2005 a. 25 ss. 287, 295m, 414t, 415wr; 2005 a. 234 s. 4; 2005 a. 344, 433; 2007 a. 20, 97.

SECTION 6. 20.410 (3) (hr) of the statutes, as affected by 2009 Wisconsin Act ....

(this act), is amended to read:

20.410 (3) (hr) *Juvenile corrective sanctions program*. The amounts in the schedule for the corrective sanctions services specified in s. 301.26 (4) (eg). All moneys received in payment for the corrective sanctions services specified in s. 301.26 (4) (eg) shall be credited to this appropriation account. If moneys generated by the daily rate exceed actual fiscal year corrective sanctions services costs, that excess shall be transferred to the appropriation account under par. (hm) as provided in 2009 Wisconsin Act .... (this act), section 9211 (f). *auto ref A*

"(1f) JUVENILE CORRECTIONAL SERVICES TRANSFER."

SECTION 9211. Fiscal changes; Corrections. *auto ref A*

~~(1f)~~ JUVENILE CORRECTIONAL SERVICES DEFICIT REDUCTION. *a.r.*

(a) Subject to paragraph (b), if notwithstanding sections 16.50 (2), 16.52, 20.002 (11), and 20.903 of the statutes there is a deficit in the appropriation account under section 20.410 (3) (hm), 2007 stats., at the close of fiscal year 2008-09, any unencumbered balance in the appropriation account under section 20.410 (3) (ho), 2007 stats., at the close of fiscal year 2008-09, less the amounts required under that paragraph to be remitted to counties or transferred to the appropriation account under section 20.410 (3) (kx) of the statutes, and any unencumbered balance in the appropriation account under section 20.410 (3) (hr), 2007 stats., at the close of fiscal year 2008-09, shall be transferred to the appropriation account under section 20.410 (3) (hm) of the statutes, as affected by SECTION ~~3f~~ of this act, except that the total amount of the unencumbered balances transferred under this paragraph may not exceed the amount of that deficit. *auto ref B*

(b) If the deficit specified in paragraph (a) is less than the total amount of the unencumbered balances available for transfer under paragraph (a), the total amount transferred from the appropriation accounts under section 20.410 (3) (ho) and (hr), *a.r.*

1 2007 stats., to the appropriation account under section 20.410 (3) (hm) ✓ of the  
2 statutes, as affected by SECTION ✓ *auto ref B* of this act, under paragraph (a) ✓ *a.r.* shall equal the  
3 amount of that deficit and the amount transferred from each of those appropriation  
4 accounts shall be in proportion to the respective unencumbered balance available for  
5 transfer from each of those appropriation accounts.

6 **SECTION 9411. ✓ Effective dates; Corrections.** *auto ref C*

7 (1) JUVENILE CORRECTIONAL SERVICES DEFICIT REDUCTION. ✓ The treatment of  
8 section *g* 20.410 (3) (hm) (by SECTION ✓ *auto ref C*), 20.410 (3) (ho) (by SECTION ✓ *auto ref D*), and 20.410 (3)  
9 (hr) (by SECTION ✓ *auto ref E*) of the statutes ✓ takes effect on July 1, 2010. ✓

10 (END)



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1494/1

GMM:jld:ph

+WLj

DOA:.....Silver, BB0405 - Juvenile correctional services deficit reduction

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

Do Not Gen

1 AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

**CORRECTIONAL SYSTEM**

**JUVENILE CORRECTIONAL SYSTEM**

Under current law, sum certain amounts are appropriated to DOC for juvenile correctional services, juvenile residential aftercare services, and juvenile corrective sanctions services. This bill provides that, if there is a deficit in the juvenile correctional services appropriation account at the close of fiscal year 2008-09, any unencumbered balances in the juvenile residential aftercare services and juvenile corrective sanctions services appropriation accounts at the close of that fiscal year, up to the amount of the deficit, are transferred to the juvenile correctional services appropriation account.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

- 2           **SECTION 1.** 20.410 (3) (hm) of the statutes is amended to read:
- 3           20.410 (3) (hm) *Juvenile correctional services.* Except as provided in pars. (ho)
- 4           and (hr), the amounts in the schedule for juvenile correctional services specified in

1 s. 301.26 (4) (c) and (d). All moneys received from the sale of surplus property,  
2 including vehicles, from juvenile correctional institutions operated by the  
3 department, all moneys received as payments in restitution of property damaged at  
4 juvenile correctional institutions operated by the department, all moneys received  
5 from miscellaneous services provided at a juvenile correctional institution operated  
6 by the department, all moneys transferred from the appropriation ~~account~~ accounts  
7 under pars. (ho) and (hr) as provided in ~~2007 Wisconsin Act 20, section 9209 (1f)~~ 2009  
8 Wisconsin Act .... (this act), section 9211 (1), all moneys transferred under s. 301.26  
9 (4) (cm), and, except as provided in par. (hr), all moneys received in payment for  
10 juvenile correctional services specified in s. 301.26 (4) (d), (dt), and (g) shall be  
11 credited to this appropriation account. If moneys generated by the daily rate under  
12 s. 301.26 (4) (d) exceed actual fiscal year institutional costs by 2% or more, all moneys  
13 in excess of that 2% shall be remitted to the counties during the subsequent calendar  
14 year or transferred to the appropriation account under par. (kx) during the  
15 subsequent fiscal year. Each county and the department shall receive a  
16 proportionate share of the remittance and transfer depending on the total number  
17 of days of placement at juvenile correctional institutions including the Mendota  
18 Juvenile Treatment Center. Counties shall use the funds for purposes specified in  
19 s. 301.26. The department shall deposit in the general fund the amounts transferred  
20 under this paragraph to the appropriation account under par. (kx).

21 **SECTION 2.** 20.410 (3) (hm) of the statutes, as affected by 2009 Wisconsin Act  
22 .... (this act), is amended to read:

23 20.410 (3) (hm) *Juvenile correctional services.* Except as provided in pars. (ho)  
24 and (hr), the amounts in the schedule for juvenile correctional services specified in  
25 s. 301.26 (4) (c) and (d). All moneys received from the sale of surplus property,

1 including vehicles, from juvenile correctional institutions operated by the  
2 department, all moneys received as payments in restitution of property damaged at  
3 juvenile correctional institutions operated by the department, all moneys received  
4 from miscellaneous services provided at a juvenile correctional institution operated  
5 by the department, ~~all moneys transferred from the appropriation accounts under~~  
6 ~~pars. (ho) and (hr) as provided in 2009 Wisconsin Act .... (this act), section 9211 (1),~~  
7 all moneys transferred under s. 301.26 (4) (cm), and, except as provided in par. (hr),  
8 all moneys received in payment for juvenile correctional services specified in s.  
9 301.26 (4) (d), (dt), and (g) shall be credited to this appropriation account. If moneys  
10 generated by the daily rate under s. 301.26 (4) (d) exceed actual fiscal year  
11 institutional costs by 2% or more, all moneys in excess of that 2% shall be remitted  
12 to the counties during the subsequent calendar year or transferred to the  
13 appropriation account under par. (kx) during the subsequent fiscal year. Each  
14 county and the department shall receive a proportionate share of the remittance and  
15 transfer depending on the total number of days of placement at juvenile correctional  
16 institutions including the Mendota Juvenile Treatment Center. Counties shall use  
17 the funds for purposes specified in s. 301.26. The department shall deposit in the  
18 general fund the amounts transferred under this paragraph to the appropriation  
19 account under par. (kx).

20 **SECTION 3.** 20.410 (3) (ho) of the statutes is amended to read:

21 20.410 (3) (ho) *Juvenile residential aftercare.* The amounts in the schedule for  
22 providing foster care, treatment foster care, group home care, and institutional child  
23 care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52.  
24 All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment  
25 for providing foster care, treatment foster care, group home care, and institutional

1 child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and  
2 938.52 as specified in s. 301.26 (4) (e) and (ed) shall be credited to this appropriation  
3 account. If moneys generated by the daily rate exceed actual fiscal year foster care,  
4 treatment foster care, group home care, and institutional child care costs, that excess  
5 shall be transferred to the appropriation account under par. (hm) as provided in 2009  
6 Wisconsin Act ... (this act), section 9211 (1), except that, if those moneys generated  
7 exceed those costs by 2% or more, all moneys in excess of 2% shall be remitted to the  
8 counties during the subsequent calendar year or transferred to the appropriation  
9 account under par. (kx) during the subsequent fiscal year. Each county and the  
10 department shall receive a proportionate share of the remittance and transfer  
11 depending on the total number of days of placement in foster care, treatment foster  
12 care, group home care or institutional child care. Counties shall use the funds for  
13 purposes specified in s. 301.26. The department shall deposit in the general fund the  
14 amounts transferred under this paragraph to the appropriation account under par.  
15 (kx).

Sections \* and \*^

16 **SECTION 4.** 20.410 (3) (ho) of the statutes, as affected by 2009 Wisconsin Act ....  
17 (this act), is amended to read:

18 20.410 (3) (ho) *Juvenile residential aftercare.* The amounts in the schedule for  
19 providing foster care, ~~treatment foster care~~, group home care, and institutional child  
20 care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52.  
21 All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment  
22 for providing foster care, ~~treatment foster care~~, group home care, and institutional  
23 child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and  
24 938.52 as specified in s. 301.26 (4) (e) and (ed) shall be credited to this appropriation  
25 account. If moneys generated by the daily rate exceed actual fiscal year foster care,

Section 1082 has been affected by drafts with the following LRB #s:

~~Treatment foster care, group home care, and institutional child care costs, that excess~~  
shall be transferred to the appropriation account under par. (hm) as provided in 2009  
Wisconsin Act .... (this act), section 9211 (1), ~~except that, if those moneys generated~~  
~~exceed those costs by 2% or more, all moneys in excess of 2% shall be remitted to the~~  
~~counties during the subsequent calendar year or transferred to the appropriation~~  
~~account under par. (kx) during the subsequent fiscal year. Each county and the~~  
~~department shall receive a proportionate share of the remittance and transfer~~  
~~depending on the total number of days of placement in foster care, treatment foster~~  
~~care, group home care or institutional child care. Counties shall use the funds for~~  
~~purposes specified in s. 301.26. The department shall deposit in the general fund the~~  
~~amounts transferred under this paragraph to the appropriation account under par.~~  
(kx).

**SECTION 5.** 20.410 (3) (hr) of the statutes is amended to read:

20.410 (3) (hr) *Juvenile corrective sanctions program.* The amounts in the schedule for the corrective sanctions services specified in s. 301.26 (4) (eg). All moneys received in payment for the corrective sanctions services specified in s. 301.26 (4) (eg) shall be credited to this appropriation account. If moneys generated by the daily rate exceed actual fiscal year corrective sanctions services costs, that excess shall be transferred to the appropriation account under par. (hm) as provided in 2009 Wisconsin Act .... (this act), section 9211 (1).

**SECTION 6.** 20.410 (3) (hr) of the statutes, as affected by 2009 Wisconsin Act ....  
(this act), is amended to read:

20.410 **(3)** (hr) *Juvenile corrective sanctions program.* The amounts in the schedule for the corrective sanctions services specified in s. 301.26 (4) (eg). All moneys received in payment for the corrective sanctions services specified in s.



1 301.26 (4) (eg) shall be credited to this appropriation account. ~~If moneys generated~~  
2 ~~by the daily rate exceed actual fiscal year corrective sanctions services costs, that~~  
3 ~~excess shall be transferred to the appropriation account under par. (hm) as provided~~  
4 ~~in 2009 Wisconsin Act .... (this act), section 9211 (1).~~

5 **SECTION 9211. Fiscal changes; Corrections.**

6 (1) JUVENILE CORRECTIONAL SERVICES DEFICIT REDUCTION.

7 (a) Subject to paragraph (b), if notwithstanding sections 16.50 (2), 16.52, 20.002  
8 (11), and 20.903 of the statutes there is a deficit in the appropriation account under  
9 section 20.410 (3) (hm), 2007 stats., at the close of fiscal year 2008-09, any  
10 unencumbered balance in the appropriation account under section 20.410 (3) (ho),  
11 2007 stats., at the close of fiscal year 2008-09, less the amounts required under that  
12 paragraph to be remitted to counties or transferred to the appropriation account  
13 under section 20.410 (3) (kx) of the statutes, and any unencumbered balance in the  
14 appropriation account under section 20.410 (3) (hr), 2007 stats., at the close of fiscal  
15 year 2008-09, shall be transferred to the appropriation account under section 20.410  
16 (3) (hm) of the statutes, as affected by SECTION 1 of this act, except that the total  
17 amount of the unencumbered balances transferred under this paragraph may not  
18 exceed the amount of that deficit.

19 (b) If the deficit specified in paragraph (a) is less than the total amount of the  
20 unencumbered balances available for transfer under paragraph (a), the total amount  
21 transferred from the appropriation accounts under section 20.410 (3) (ho) and (hr),  
22 2007 stats., to the appropriation account under section 20.410 (3) (hm) of the  
23 statutes, as affected by SECTION 1 of this act, under paragraph (a) shall equal the  
24 amount of that deficit and the amount transferred from each of those appropriation

1 accounts shall be in proportion to the respective unencumbered balance available for  
2 transfer from each of those appropriation accounts.

3 **SECTION 9411. Effective dates; Corrections.**

4 (1) JUVENILE CORRECTIONAL SERVICES DEFICIT REDUCTION. The treatment of  
5 section 20.410 (3) (hm) (by SECTION 2), (ho) (by SECTION 4), and (hr) (by SECTION 6) of  
6 the statutes takes effect on July 1, 2010.

7 (END)

NOTE

④ This draft reconciles LRB-0884/2 and LRB-1494/10  
Both LRB-0884 and LRB-1494 should continue to  
appear in the ~~compiled bill~~ compiled bill.

GMM ✓

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1494/2dn  
GMM:jld&wlj:md

January 30, 2009

This draft reconciles LRB-0884/2 and LRB-1494/1. Both LRB-0884 and LRB-1494 should continue to appear in the compiled bill.

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State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1494/2  
GMM:jld&wlj:md

DOA:.....Silver, BB0405 – Juvenile correctional services deficit reduction  
FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

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*Analysis by the Legislative Reference Bureau*

**CORRECTIONAL SYSTEM**

**JUVENILE CORRECTIONAL SYSTEM**

Under current law, sum certain amounts are appropriated to DOC for juvenile correctional services, juvenile residential aftercare services, and juvenile corrective sanctions services. This bill provides that, if there is a deficit in the juvenile correctional services appropriation account at the close of fiscal year 2008-09, any unencumbered balances in the juvenile residential aftercare services and juvenile corrective sanctions services appropriation accounts at the close of that fiscal year, up to the amount of the deficit, are transferred to the juvenile correctional services appropriation account.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

2 **SECTION 1.** 20.410 (3) (hm) of the statutes is amended to read:  
3 20.410 (3) (hm) *Juvenile correctional services.* Except as provided in pars. (ho)  
4 and (hr), the amounts in the schedule for juvenile correctional services specified in

1 s. 301.26 (4) (c) and (d). All moneys received from the sale of surplus property,  
2 including vehicles, from juvenile correctional institutions operated by the  
3 department, all moneys received as payments in restitution of property damaged at  
4 juvenile correctional institutions operated by the department, all moneys received  
5 from miscellaneous services provided at a juvenile correctional institution operated  
6 by the department, all moneys transferred from the appropriation ~~account~~ accounts  
7 under pars. (ho) and (hr) as provided in ~~2007 Wisconsin Act 20, section 9209 (1f)~~ 2009  
8 Wisconsin Act .... (this act), section 9211 (1), all moneys transferred under s. 301.26  
9 (4) (cm), and, except as provided in par. (hr), all moneys received in payment for  
10 juvenile correctional services specified in s. 301.26 (4) (d), (dt), and (g) shall be  
11 credited to this appropriation account. If moneys generated by the daily rate under  
12 s. 301.26 (4) (d) exceed actual fiscal year institutional costs by 2% or more, all moneys  
13 in excess of that 2% shall be remitted to the counties during the subsequent calendar  
14 year or transferred to the appropriation account under par. (kx) during the  
15 subsequent fiscal year. Each county and the department shall receive a  
16 proportionate share of the remittance and transfer depending on the total number  
17 of days of placement at juvenile correctional institutions including the Mendota  
18 Juvenile Treatment Center. Counties shall use the funds for purposes specified in  
19 s. 301.26. The department shall deposit in the general fund the amounts transferred  
20 under this paragraph to the appropriation account under par. (kx).

21 **SECTION 2.** 20.410 (3) (hm) of the statutes, as affected by 2009 Wisconsin Act  
22 .... (this act), is amended to read:

23 20.410 (3) (hm) *Juvenile correctional services.* Except as provided in pars. (ho)  
24 and (hr), the amounts in the schedule for juvenile correctional services specified in  
25 s. 301.26 (4) (c) and (d). All moneys received from the sale of surplus property,

1 including vehicles, from juvenile correctional institutions operated by the  
2 department, all moneys received as payments in restitution of property damaged at  
3 juvenile correctional institutions operated by the department, all moneys received  
4 from miscellaneous services provided at a juvenile correctional institution operated  
5 by the department, ~~all moneys transferred from the appropriation accounts under~~  
6 ~~pars. (ho) and (hr) as provided in 2009 Wisconsin Act .... (this act), section 9211 (1),~~  
7 all moneys transferred under s. 301.26 (4) (cm), and, except as provided in par. (hr),  
8 all moneys received in payment for juvenile correctional services specified in s.  
9 301.26 (4) (d), (dt), and (g) shall be credited to this appropriation account. If moneys  
10 generated by the daily rate under s. 301.26 (4) (d) exceed actual fiscal year  
11 institutional costs by 2% or more, all moneys in excess of that 2% shall be remitted  
12 to the counties during the subsequent calendar year or transferred to the  
13 appropriation account under par. (kx) during the subsequent fiscal year. Each  
14 county and the department shall receive a proportionate share of the remittance and  
15 transfer depending on the total number of days of placement at juvenile correctional  
16 institutions including the Mendota Juvenile Treatment Center. Counties shall use  
17 the funds for purposes specified in s. 301.26. The department shall deposit in the  
18 general fund the amounts transferred under this paragraph to the appropriation  
19 account under par. (kx).

20 **SECTION 3.** 20.410 (3) (ho) of the statutes is amended to read:

21 20.410 (3) (ho) *Juvenile residential aftercare.* The amounts in the schedule for  
22 providing foster care, treatment foster care, group home care, and institutional child  
23 care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52.  
24 All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment  
25 for providing foster care, treatment foster care, group home care, and institutional

1 child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and  
2 938.52 as specified in s. 301.26 (4) (e) and (ed) shall be credited to this appropriation  
3 account. If moneys generated by the daily rate exceed actual fiscal year foster care,  
4 treatment foster care, group home care, and institutional child care costs, that excess  
5 shall be transferred to the appropriation account under par. (hm) as provided in 2009  
6 Wisconsin Act ... (this act), section 9211 (1), except that, if those moneys generated  
7 exceed those costs by 2% or more, all moneys in excess of 2% shall be remitted to the  
8 counties during the subsequent calendar year or transferred to the appropriation  
9 account under par. (kx) during the subsequent fiscal year. Each county and the  
10 department shall receive a proportionate share of the remittance and transfer  
11 depending on the total number of days of placement in foster care, treatment foster  
12 care, group home care, or institutional child care. Counties shall use the funds for  
13 purposes specified in s. 301.26. The department shall deposit in the general fund the  
14 amounts transferred under this paragraph to the appropriation account under par.  
15 (kx).

16 SECTION 4. 20.410 (3) (ho) of the statutes, as affected by 2009 Wisconsin Act ....  
17 (this act), sections \* and \*, is amended to read:

18 20.410 (3) (ho) *Juvenile residential aftercare*. The amounts in the schedule for  
19 providing foster care, group home care, and institutional child care to delinquent  
20 juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52. All moneys  
21 transferred under s. 301.26 (4) (cm) and all moneys received in payment for providing  
22 foster care, group home care, and institutional child care to delinquent juveniles  
23 under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 as specified in s. 301.26 (4)  
24 (e) and (ed) shall be credited to this appropriation account. If moneys generated by  
25 the daily rate exceed actual fiscal year foster care, group home care, and institutional

1 child care costs, ~~that excess shall be transferred to the appropriation account under~~  
2 ~~par. (hm) as provided in 2009 Wisconsin Act .... (this act), section 9211 (1), except that,~~  
3 ~~if those moneys generated exceed those costs by 2% or more, all moneys in excess of~~  
4 2% shall be remitted to the counties during the subsequent calendar year or  
5 transferred to the appropriation account under par. (kx) during the subsequent fiscal  
6 year. Each county and the department shall receive a proportionate share of the  
7 remittance and transfer depending on the total number of days of placement in foster  
8 care, group home care, or institutional child care. Counties shall use the funds for  
9 purposes specified in s. 301.26. The department shall deposit in the general fund the  
10 amounts transferred under this paragraph to the appropriation account under par.  
11 (kx).

\*\*\*\*NOTE: This is reconciled s. 20.410 (3) (ho). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0884/2 and LRB-1494/1.

12 **SECTION 5.** 20.410 (3) (hr) of the statutes is amended to read:

13 20.410 (3) (hr) *Juvenile corrective sanctions program.* The amounts in the  
14 schedule for the corrective sanctions services specified in s. 301.26 (4) (eg). All  
15 moneys received in payment for the corrective sanctions services specified in s.  
16 301.26 (4) (eg) shall be credited to this appropriation account. If moneys generated  
17 by the daily rate exceed actual fiscal year corrective sanctions services costs, that  
18 excess shall be transferred to the appropriation account under par. (hm) as provided  
19 in 2009 Wisconsin Act .... (this act), section 9211 (1).

20 **SECTION 6.** 20.410 (3) (hr) of the statutes, as affected by 2009 Wisconsin Act ....  
21 (this act), is amended to read:

22 20.410 (3) (hr) *Juvenile corrective sanctions program.* The amounts in the  
23 schedule for the corrective sanctions services specified in s. 301.26 (4) (eg). All



1 moneys received in payment for the corrective sanctions services specified in s.  
2 301.26 (4) (eg) shall be credited to this appropriation account. If moneys generated  
3 by the daily rate exceed actual fiscal year corrective sanctions services costs, that  
4 excess shall be transferred to the appropriation account under par. (hm) as provided  
5 in 2009 Wisconsin Act .... (this act), section 9211 (1).

6 **SECTION 9211. Fiscal changes; Corrections.**

7 (1) JUVENILE CORRECTIONAL SERVICES DEFICIT REDUCTION.

8 (a) Subject to paragraph (b), if notwithstanding sections 16.50 (2), 16.52, 20.002  
9 (11), and 20.903 of the statutes there is a deficit in the appropriation account under  
10 section 20.410 (3) (hm), 2007 stats., at the close of fiscal year 2008-09, any  
11 unencumbered balance in the appropriation account under section 20.410 (3) (ho),  
12 2007 stats., at the close of fiscal year 2008-09, less the amounts required under that  
13 paragraph to be remitted to counties or transferred to the appropriation account  
14 under section 20.410 (3) (kx) of the statutes, and any unencumbered balance in the  
15 appropriation account under section 20.410 (3) (hr), 2007 stats., at the close of fiscal  
16 year 2008-09, shall be transferred to the appropriation account under section 20.410  
17 (3) (hm) of the statutes, as affected by SECTION 1 of this act, except that the total  
18 amount of the unencumbered balances transferred under this paragraph may not  
19 exceed the amount of that deficit.

20 (b) If the deficit specified in paragraph (a) is less than the total amount of the  
21 unencumbered balances available for transfer under paragraph (a), the total amount  
22 transferred from the appropriation accounts under section 20.410 (3) (ho) and (hr),  
23 2007 stats., to the appropriation account under section 20.410 (3) (hm) of the  
24 statutes, as affected by SECTION 1 of this act, under paragraph (a) shall equal the  
25 amount of that deficit and the amount transferred from each of those appropriation

1 accounts shall be in proportion to the respective unencumbered balance available for  
2 transfer from each of those appropriation accounts.

3 **SECTION 9411. Effective dates; Corrections.**

4 (1) JUVENILE CORRECTIONAL SERVICES DEFICIT REDUCTION. The treatment of  
5 section 20.410 (3) (hm) (by SECTION 2), (ho) (by SECTION 4), and (hr) (by SECTION 6) of  
6 the statutes takes effect on July 1, 2010.

7 (END)